

REMARKS

Applicants submit this Amendment in response to the non-final Office Action mailed on December 19, 2005. In making this Amendment, Applicants have added no new matter. Support for the amendments above can be found in the specification and claims as filed. Claim 2 has been canceled without prejudice or disclaimer. Claims 3, 11-17, 27, 30, 35, 39, and 40 have been withdrawn by the Office from consideration. Claims 1, 4-10, 18-26, 28, 29, 31-34, and 36-38 are pending in the Application. Reconsideration of the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

The Office Action rejects claims 2, 10, 26, and 34 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action rejects claims 1, 2, 4-8, 10, 18-21, and 23-26 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. EP 0 674 082 A1 (hereinafter EP '082). The Office Action rejects claims 1, 2, 4-8, 10, 18-26, 28, 29, 31-34, and 36-38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,826,878 to Rovtar (hereinafter "Rovtar"). The Office Action rejects claims 9 and 22 under 35 U.S.C. § 103(a) as being unpatentable over EP '082.

A. Claims 2, 10, 26, and 34

Claims 2, 10, 26, and 34 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 2 has been canceled without prejudice or disclaimer. With respect to claims 10, 26, and 34, the Office Action states that the claim element "concentric within the

body” is vague and indefinite. (Office Action at 2-3). Claims 10, 26, and 34 each have been amended to remove the claim limitation “concentric within the body.”

Applicants assert that the amendments to claims 10, 26, and 34 obviate these rejections. Applicants respectfully request that the rejections be withdrawn and the claims allowed.

B. Claims 1, 2, 4-8, 10, 18-21, and 23-26

Claims 1, 2, 4-8, 10, 18-21, and 23-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by EP ‘082. Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) is improper because EP ‘082 does not disclose each and every element of the claims at issue. A claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. See MPEP § 2131 (citing Verdegel Bros. v. Union Oil Co. of California), 2 USPQ2d 1051 (Fed. Cir. 1987)).

1. Claims 1, 2, 4-8, 10, and 18-21

Claim 2 has been canceled without prejudice or disclaimer. As amended, claim 1 claims an assembly for a sliding panel, which includes among other elements, “[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.” Claims 4-8, 10, and 18-21 depend ultimately from claim 1.

EP ‘082 does not disclose an assembly for a sliding panel that includes “[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel,” as claimed. Rather EP ‘082 describes a device that is “made solid to the wall frame 3 by a screw 14 passing coaxially internally to the cylindrical body 1 and the adjustment element

6, and screwed into the wall frame 3. The device ... offers security and rigidity over a long time period.” (EP ‘082 at col. 3, ll. 37-44) (emphasis added). As the device in EP ‘082 is made solid and secured to the frame, EP ‘082 does not disclose “[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.”

As EP ‘082 does not disclose each and every element of claim 1, Applicants respectfully submit that claim 1 is patentable over EP ‘082. Claims 4-8, 10, and 18-21 depend ultimately from claim 1, and are, therefore, also allowable for at least the same reasons as claim 1. Accordingly, the rejections to claims 1, 4-8, 10, and 18-21 should be withdrawn and the claims allowed.

2. Claims 23-26

As amended, independent claim 23 claims an assembly for a sliding panel, which includes among other elements, “[a] button compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.” Claims 24-26 depend from independent claim 23.

EP ‘082 does not disclose an assembly for a sliding panel that includes “[a] button compris[ing] a surface adapted to slide along a portion of the track surrounding the sliding panel,” as claimed. Rather EP ‘082 describes a device that is “made solid to the wall frame 3 by a screw 14 passing coaxially internally to the cylindrical body 1 and the adjustment element 6, and screwed into the wall frame 3. The device ... offers security and rigidity over a long time period.” (EP ‘082 at col. 3, ll. 37-44) (emphasis added). As the device in EP ‘082 is

made solid and secured to the frame, EP '082 does not disclose "[a] button compris[ing] a surface adapted to slide along a portion of the track surrounding the sliding panel."

As EP '082 does not disclose each and every element of independent claim 23, Applicants respectfully submit that independent claim 23 is patentable over EP '082. Claims 24-26 depend from independent claim 23, and are, therefore, also allowable for at least the same reasons as independent claim 23. Accordingly, the rejections to claims 23-26 should be withdrawn and the claims allowed.

C. Claims 1, 2, 4-8, 10, 18-26, 28, 29, 31-34, and 36-38

Claims 1, 2, 4-8, 10, 18-26, 28, 29, 31-34, and 36-38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Rovtar. Applicants respectfully assert that the rejection under 35 U.S.C. § 102(e) is improper because Rovtar does not disclose each and every element of the claims at issue. As described above, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found.

1. Claims 1, 2, 4-8, 10, 18-22

Claim 2 has been canceled without prejudice or disclaimer. As amended, claim 1 claims an assembly for a sliding panel, which includes among other elements, "[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel." Claims 4-8, 10, and 18-22 depend ultimately from claim 1.

Rovtar does not disclose an assembly for a sliding panel that includes "[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding

panel,” as claimed. Rather Rovtar describes a window shim for “fastening the sides of a window to, the sides or studs of an opening through a wall.” (Rovtar at col. 1, ll. 17-19) (emphasis added). Thus, Rovtar does not disclose “[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.”

As Rovtar does not disclose each and every element of claim 1, Applicants respectfully submit that claim 1 is patentable over Rovtar. Claims 4-8, 10, and 18-22 depend ultimately from claim 1, and are, therefore, also allowable for at least the same reasons as claim 1. Accordingly, the rejections to claims 1, 4-8, 10, and 18-22 should be withdrawn and the claims allowed.

2. Claims 23-26

As amended, independent claim 23 claims an assembly for a sliding panel, which includes among other elements, “[a] button compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.” Claims 24-26 depend from independent claim 23.

Rovtar does not disclose an assembly for a sliding panel that includes “[a] button compris[ing] a surface adapted to slide along a portion of the track surrounding the sliding panel,” as claimed. Rather Rovtar describes a window shim for “fastening the sides of a window to, the sides or studs of an opening through a wall.” (Rovtar at col. 1, ll. 17-19) (emphasis added). Thus, Rovtar does not disclose “[a] button compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.”

As Rovtar does not disclose each and every element of independent claim 23, Applicants respectfully submit that independent claim 23 is patentable over Rovtar. Claims 24-26 depend from independent claim 23, and are, therefore, also allowable for at least the same reasons as independent claim 23. Accordingly, the rejections to claims 23-26 should be withdrawn and the claims allowed.

3. Claims 28, 29, 31-34, and 36-38

As amended, independent claim 28 claims an article, which includes among other elements, “[an] insert compris[ing] a surface adapted to slide along a portion of the frame surrounding the panel.” Claims 29, 31-34, and 36-38 depend ultimately from independent claim 28.

Rovtar does not disclose an assembly for a sliding panel that includes “[an] insert compris[ing] a surface adapted to slide along a portion of the frame surrounding the panel,” as claimed. Rather Rovtar describes a window shim for “fastening the sides of a window to, the sides or studs of an opening through a wall.” (Rovtar at col. 1, ll. 17-19) (emphasis added). Thus, Rovtar does not disclose “[an] insert compris[ing] a surface adapted to slide along a portion of the frame surrounding the panel.”

As Rovtar does not disclose each and every element of independent claim 28, Applicants respectfully submit that independent claim 28 is patentable over Rovtar. Claims 29, 31-34, and 36-38 depend ultimately from independent claim 28, and are, therefore, also allowable for at least the same reasons as independent claim 28. Accordingly, the rejections to claims 28, 29, 31-34, and 36-38 should be withdrawn and the claims allowed.

D. Claims 9 and 22

Claims 9 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '082. Claims 9 and 22 depend ultimately from claim 1. The rejection under 35 U.S.C. § 103(a) is improper because EP '082 does not teach or suggest all the claim elements of claim 1. One of the criteria for a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP § 2143. The cited reference does not teach or suggest all the claim elements of claim 1.

Dependent claims include all the elements of the claim from which they depend. Thus, claims 9 and 22 each claims an assembly for a sliding panel, which includes among other elements, “[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel.”

As discussed above, EP '082 does not disclose an assembly for a sliding panel that includes, “[an] insert compris[ing] a surface adapted to slide along a portion of a track surrounding the sliding panel,” as claimed. Rather EP '082 describes a device that is “made solid to the wall frame 3 by a screw 14 passing coaxially internally to the cylindrical body 1 and the adjustment element 6, and screwed into the wall frame 3. The device ... offers security and rigidity over a long time period.” (EP '082 at col. 3, ll. 37-44) (emphasis added). As the device in EP '082 is made solid and secured to the frame, EP '082 does not disclose “[a] button compris[ing] a surface adapted to slide along a portion of the track surrounding the sliding panel.”

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As EP '082 does not teach or suggest all the claim elements of claim 1, Applicants respectfully submit that claim 1 is patentable over EP '082. Claims 9 and 22 depend ultimately from claim 1, and are, therefore, also patentable for at least the same reasons as claim 1. Accordingly, the rejections to claims 9 and 22 should be withdrawn and the claims allowed.

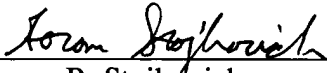
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CONCLUSION

Applicants respectfully submit that the pending claims are allowable. Applicants respectfully solicit the issuance of a timely Notice of Allowance for all pending claims. The Examiner is invited to contact the undersigned by telephone to discuss any matter related to the Application.

Respectfully submitted,

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Goran P. Stojkovich
Registration No. 45,841

Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201
Tel: 336.774.3300
Fax: 336.255.9831